

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JANET PORTER, as Personal
Representative for the Estate of Harry
E. Porter (deceased),

Plaintiff,

v.

RICHLAND MEDICAL
INVESTORS, LLC, doing business as
Life Care Center of Richland; LIFE
CARE CENTERS OF AMERICA,
INC; JOHN DOES 1-5; and JANE
DOES 1-5,

Defendants.

NO: 4:16-CV- 5077-RMP

ORDER GRANTING STIPULATED
MOTION TO AMEND THE
AMENDED COMPLAINT AND
REMANDING CASE TO STATE
COURT

BEFORE THE COURT is Plaintiff's Stipulated Motion to Amend the
Amended Complaint and for Remand, ECF No. 15. The Court has reviewed the
motion, the pleadings, and is fully informed.

On June 7, 2016, this case was removed from Benton County Superior Court
to the United States District Court, Eastern District of Washington. *See* ECF No.

1. Plaintiff filed a First Amended Complaint, ECF No. 6, on August 24, 2016.

ORDER GRANTING STIPULATED MOTION TO AMEND THE AMENDED
COMPLAINT AND REMANDING CASE TO STATE COURT ~ 1

1 Plaintiff now seeks to amend her complaint again, adding a defendant who is a
2 citizen¹ of Washington State and, therefore, destroying complete diversity. As this
3 Court's jurisdiction was premised on diversity jurisdiction pursuant to 28 U.S.C. §
4 1332, the addition of Dr. Victor O. Brooks as a defendant in this case removes this
5 Court's subject matter jurisdiction. Therefore, the case shall be remanded to state
6 court pursuant to 28 U.S.C. § 1447(e).

7 Defense counsel does not oppose the amendment or remand.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Plaintiff's Stipulated Motion to Amend the Amended Complaint and for
10 Remand, **ECF No. 15**, is **GRANTED**.

11 2. This case is remanded to Benton County Superior Court.

12 The District Court Clerk is directed to enter this Order, provide copies to
13 Counsel and to the Benton County Superior Court Clerk, and **close this case**.

14 **DATED** this 20th day of January 2017.

15
16 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge

17
18 ¹ Plaintiff alleges that the Defendant added to the Amended Complaint, Dr. Victor
19 O. Brooks, is a "resident" of Washington. ECF No. 15 at 1. Although diversity
20 jurisdiction is based on citizenship, not residency, the Court presumes Plaintiff
21 intended to allege that Brooks is a citizen of Washington.